

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. MBX 025 DIV CON

First Inventor Gjalt W. Huisman

Title Microbial Strains and Processes for the Manufacture of Biomaterials

Express Mail Label No. EL 717 747 459 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 21]
(preferred arrangement set forth below)
- Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) [Total Sheets ☐
5. Oath or Declaration [Total Pages 4]
- a. ☐ Newly executed (original or copy)
- b. ☒ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
- i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s)
named in the prior application, see 37 CFR
1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☐ Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ paper
- c. ☒ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☒ Assignment Papers (cover sheet & document(s))
10. ☒ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Items 9 and 10 are copies from
Serial No: 09/456,940

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09 / 456,940

Prior application information:

Examiner: R. Hutson

Group Art Unit: 1652

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Labelor ☐ Correspondence address below

Name

Patrea L. Pabst
Holland & Knight LLP

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State

GA

Zip Code

30309-3400

Country

United States

Telephone

404-817-8473

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404-817-8588

Name (Print/Type)

Patrea L. Pabst, Esq.

Registration No. (Attorney/Agent)

31,284

Signature

Date

June 26, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

MBX 025 DIV CON - 077832/00025

10/607903

06/27/03

DUPLICATE

PTO/SB/17 (01-03)

Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 402.00

Complete if Known

Application Number	Continuation of 09/456,940
Filing Date	June 27, 2003
First Named Inventor	Gjalt W. Huisman
Examiner Name	
Art Unit	
Attorney Docket No.	MBX 025 DIV CON

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 50-1868
Deposit Account Name: Holland & Knight LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	375.00
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 375.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
23	-20** = 3	9.00	27.00
Independent Claims	2	-3** = 0	42.00 = 0.00
Multiple Dependent		0	27.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 27.00)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0.00)

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Patrea L. Pabst, Esq.	Registration No. (Attorney/Agent)	31,284	Telephone (404) 817-8473
Signature		Date	June 26, 2003	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

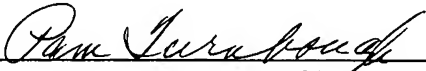
MBX 025 DIV CON - 077832/00025

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Continuation of U.S.S.N. 09/456,940
Filed: June 27, 2003
REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)
Express Mail Label No.: EL 717 747 459 US
Date of Deposit: June 27, 2003

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this paper and any documents referred to as attached or enclosed are being deposited with the United States Postal Service on this date, June 27, 2003, in an envelope as "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10, Express Mail Label No. EL 717 747 459 US, addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Pam Turnbough

Date: June 27, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Gjalt W. Huisman, Laura Z. Luo, and Oliver P. Peoples

Serial No.: Continuation of 09/456,940

Express Mail Label
No. EL 717 747 459 US

Filed: June 27, 2003

Date of Deposit: June 27, 2003

For: *MICROBIAL STRAINS AND PROCESSES FOR
THE MANUFACTURE OF BIOMATERIALS*

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**REQUEST FOR FILING A CONTINUATION APPLICATION
UNDER 37 C.F.R. § 1.53(b)**

Sir:

Pursuant to 35 U.S.C. § 21(a), as amended by Public Law 97-247, and 37 C.F.R. §§ 1.10 and 1.53(b), applicants enclose for filing the attached new patent application entitled "*Microbial Strains and Processes for the Manufacture of Biomaterials*". This application is a continuation of pending prior application Serial No. 09/456,940 filed December 7, 1999, entitled "*Microbial Strains and Processes for the Manufacture of Biomaterials*", by Gjalt W. Huisman, Laura Z. Luo, and Oliver P. Peoples, which is a divisional of U.S. Serial No. 09/281,363 filed March 30, 1999, which claims the benefit of U.S. Provisional Application No. 60/079,938 filed March 30, 1998. The application includes 1 page of abstract, 17 pages of specification, 3 pages of claims, 2

pages of sequence listing, and a copy of the executed Declaration for Patent Application from prior application Serial No. 09/456,940.

Pursuant to 37 C.F.R. § 1.63(d), the copy of the executed Declaration for Patent Application included in the new application is a copy of the executed Declaration filed in parent application Serial No. 09/456,940, to which the new application claims benefit.

The inventorship for the claims in the new application is the same as in parent application Serial No. 09/456,940.

Enclosed are a Preliminary Amendment and an Information Disclosure Statement. Please amend the application in accordance with the Preliminary Amendment.

This application contains nucleic acid and/or protein sequences as defined in 37 C.F.R. § 1.821-1.825. The sequence listing for the new application is identical to the sequence listing for Serial No. 09/281,363 filed March 30, 1999 by Gjalt W. Huisman, Laura Z. Luo, Daniel M. Horowitz, Tillman U. Gerngross, and Oliver P. Peoples. Sequence listings in computer readable form were submitted in application Serial No. 09/281,363 on March 30, 1999. No subsequent sequence listing was submitted. Accordingly, pursuant to 37 C.F.R. § 1.821(e), Applicants hereby request that the computer readable form of the sequence listing submitted in application Serial No. 09/281,363 on March 30, 1999 be used as the computer readable form of the sequence listing for the new application. The application has a paper copy of the Sequence Listing incorporated therein.

I declare that the material in the prior sequence listing is identical to the paper copy of the Sequence Listing present in the new application, that the Sequence Listing does not add new matter to the application, and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Enclosed from prior application Serial No. 09/456,940 are copies of the (a) Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers ; (b) Statement Under 37 CFR §3.73(b); and (c) Recorded Assignment of rights to Metabolix, Inc.

Also enclosed are an (a) Application Data Sheet; (b) Utility Patent Application Transmittal; and (c) Fee Transmittal (in duplicate).

This application is entitled to claim small entity status pursuant to 37 C.F.R. § 1.27.

Enclosed is a check in the amount of \$402.00 to cover the filing fee for a small entity. It is believed that this is the proper filing fee since the application includes 2 independent claims and a total of 23 claims.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1868. To facilitate this process, applicant encloses a duplicate of this transmittal.

The power of attorney in the prior application is to Patrea L. Pabst.

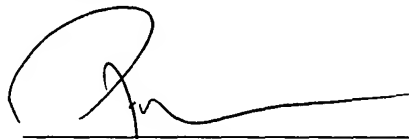
Continuation of U.S.S.N. 09/456,940
Filed: June 27, 2003
REQUEST FOR FILING A CONTINUATION
APPLICATION UNDER 37 C.F.R. § 1.53(b)
Express Mail Label No.: EL 717 747 459 US
Date of Deposit: June 27, 2003

All correspondence concerning this application should be mailed to:

Customer No. 23579
Patrea L. Pabst, Esq.
HOLLAND & KNIGHT LLP
2000 One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, GA 30309-3400

This application is being filed on June 27, 2003, by mailing the application to
MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-1450 via the United States Postal Service "Express Mail Post Office to Addressee"
Service under 37 C.F.R. § 1.10. The Express Mail Label number appears in the heading of this
paper which is attached to the application papers pursuant to 37 C.F.R. § 1.10(b).

Respectfully submitted,


Patrea L. Pabst
Reg. No. 31,284

Date: June 26, 2003

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